

ENTERED

February 04, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

CARTIUS LYRONE MONTGOMERY

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VS.

CIVIL ACTION NO. 7:20-CV-374

BOBBY LUMPKIN

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND GRANTING DISMISSAL**


The Court has reviewed the magistrate judge's Report and Recommendation regarding Petitioner Cartius Lyrone Montgomery's action pursuant to 28 U.S.C. § 2254. After having reviewed the said Report and Recommendation, and no objections having been filed by either party, the Court is of the opinion that the conclusions in said Report and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the conclusions in United States Magistrate Judge Peter E. Ormsby's Report and Recommendation entered as Docket Entry No. 2 are hereby adopted by this Court.

FURTHER, the Court, having adopted the magistrate judge's conclusions, is of the opinion that Petitioner's first and second claims for relief concerning his convictions by the 216th District Court of Kerr County, Texas, should be **SEVERED** and **TRANSFERRED** to the United States District Court for the Western District of Texas, San Antonio Division, and that Petitioner's third claim concerning property allegedly stolen by an officer at the Lopez Unit should be **DISMISSED** with prejudice.

The Clerk shall send a copy of this Order to the Petitioner and counsel for Respondent.

SO ORDERED February 4, 2021, at McAllen, Texas.



Randy Crane
United States District Judge